



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,490	04/12/2001	Virgil Flores Tordera	50P4581	5266

7590

08/04/2004

John L. Rogitz  
Rogitz & Associates  
750 B Street, Suite 3120  
San Diego, CA 92101

EXAMINER

HO, DUC CHI

ART UNIT	PAPER NUMBER
----------	--------------

2665

2

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/833,490

Applicant(s)

TORDERA ET AL.

Examiner

Duc C Ho

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-54 is/are rejected.
- 7) ☒ Claim(s) 7-10 and 55-60 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claims 4, 18, 30, and 45 are objected to because of the following informalities:

The USB connector 38-fig. 2 of the instant application is electrically connected to the transceiver as claimed in claim 1, which doesn't require a cord.

Appropriate correction is required.

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 40-61 have been renumbered 39-60, respectively.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, and 11-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (U.S. 6,633,759).

Regarding claim 1, Kung discloses communication system, and mobile communication device, portable information processing device, and data communication method used in the system.

*at least one wireless Internet packet (IP) transceiver (the antenna 8-fig. 1 is inherently a wireless Internet packet transceiver);*

*at least one flash memory card electrically connected to the transceiver ( The computer engine 15-fig. 2 includes a PCMCIA 22 slot for accepting a memory card which could be a flash memory. This slot is electrically connected to the antenna 8-fig. 2, see col. 4, lines 65-67, and col. 6, lines 1-6);*

*and at least one universal serial bus (USB) connector electrically connected to the transceiver (the USB port 19-fig. 2 is connected electrically to the antenna 8).*

Regarding claim 2, the antenna 8 is capable of transmitting and receiving a wireless radio wave up to 2.45 GHZ, and in short-range wireless communication such as bluetooth, which inherently cover the range from 2300-2310 MHZ, see fig. 12, col. 14, lines 25-32.

Regarding claim 3, the antenna 8 and the PCMCIA 22-fig. 2 are integral within a housing.

Regarding claim 4, the USB connector 19-fig. 2 is capable of accepting a USB cord.

Regarding claim 5, the computer engine 15-fig. 2 has a USB port as a first receptacle USB connector, and is capable of receiving a USB plug from a USB cord, which is detachably engageable with the housing.

Regarding claim 6, the computer engine has a LED 18-fig. 2, which should be operable when the antenna is in communication.

Regarding claim 11, the antenna 8-fig. 2 is electrically a transceiver.

Regarding claim 12, the antenna 8-fig. 2 is a directional.

Regarding claim 39, the computer 1 is capable of communicating with the base station 3-fig. 1.

Regarding claim 51, the antenna 8-fig. 2 is capable of transmitting radio wave from RF spectrum to high frequency band (9khz-50Ghz).

Regarding claim 13, Kung discloses Communication system, and mobile communication device, portable information processing device, and data communication method used in the system.

*at least one antenna* (the computer 1-fig. 1-2 includes an antenna 8, col. 4, lines 65-67);

*at least a first computer communication interface component electrically associated with the antenna, the first communication interface component defining a first interface format and being a memory device* (the PCMCIA 22-fig. 2 is a memory device, and electrically associated with the antenna 8);

*and at least a second computer communication interface component electrically associated with the antenna, the second computer communication interface component defining a second interface format* (the USB 19-fig. 2 is electrically associated with the antenna 8-fig. 2), *wherein the device can be used to establish wireless communication between at least one user terminal and at least one base station using one of the interface formats* (the computer 1 is capable of establishing wireless communication between a user and the base station using the information from the memory device PCMCIA 22-fig. 2, see col. 4-line 18 to col. 6-line 6).

Art Unit: 2665

Regarding claims 14-15, the first interface format is the PCMCIA interface device 22-fig.2, and the second interface format is the USB 19-fig.2.

Regarding claim 16, the antenna 8-fig. 2 is capable of transmitting and receiving IP packet wirelessly.

Regarding claim 17, the claim has similar limitations as claim 2. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 2.

Regarding claim 18, the second computer communication interface is the USB port 19-fig. 2, and this port is capable of connecting it to a USB cord.

Regarding claim 19, the claim has similar limitations as claim 5. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 5.

Regarding claim 20, the claim has similar limitations as claim 6. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 6.

Regarding claim 21, the computer engine 15-fig. 2 includes a speaker 14.

Regarding claim 22, the computer 1-fig. 1 is a laptop, therefore, it inherently includes a battery within its housing.

Regarding claim 23, the computer 1-fig. 1 is capable of displaying its low battery condition on its LCD display 20.

Regarding claim 24, the computer 1-fig. 1 is a laptop, therefore, it inherently includes a charger port on the housing.

Regarding claim 25, the claim has similar limitations as claim 12. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 12.

Regarding claim 40, the computer 1-fig. 1 is capable of communicating with the base station 3-fig. 1.

Regarding claim 52, the claim has similar limitations as claim 51. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 51.

Regarding claim 26, the claim has similar limitations as claim 13. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 13.

Regarding claim 27, the PCMCIA 22-fig. 1 is a memory card, the second communication interface is the USB 19-fig. 1, and the antenna 8-fig. 1 is capable of wirelessly transmitting and receiving IP packet.

Regarding claim 28, the claim has similar limitations as claim 2. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 2.

Regarding claim 29, the claim has similar limitations as claim 3. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 3.

Regarding claim 30, the claim has similar limitations as claim 18. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 18.

Regarding claim 31, the claim has similar limitations as claim 19. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 19.

Regarding claim 32, the claim has similar limitations as claim 20. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 20.

Regarding claim 33, the claim has similar limitations as claim 21. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 21.

Regarding claim 34, the claim has similar limitations as claim 22. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 22.

Regarding claim 35, the claim has similar limitations as claim 23. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 23.

Regarding claim 36, the claim has similar limitations as claim 24. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 24.

Regarding claim 37, the claim has similar limitations as claim 11. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 11.

Art Unit: 2665

Regarding claim 38, the claim has similar limitations as claim 12. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 12.

Regarding claim 41, the claim has similar limitations as claim 39. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 39.

Regarding claim 53, the claim has similar limitations as claim 52. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 52.

Regarding claim 43, Kung discloses Communication system, and mobile communication device, portable information processing device, and data communication method used in the system.

*determining at least a first or second computer communication interface component is engaged with the terminal (a user is able to determine if a PCMCIA memory card which is inherently a part of the computer 1-fig. 1 is engaged with its PCMCIA slot 22-fig. 2 or not);*

*and if a computer communication interface component is engaged with the terminal: determining whether the first computer interface component is engaged with the terminal (as the user engaged the memory card to its slot), and if so,*

*invoking a memory device driver module associated with the first computer communication interface component ( the data from the memory card then is inherently invoked), and otherwise invoking a device driver module associated with the second computer communication interface component (otherwise the computer 1 is capable of invoking a device driver from another computer that is connected to its USB port 19 via a USB cord).*

Regarding claim 43, the computer 1 includes within its housing an antenna functioning as a transceiver, and a USB interface port.



Regarding claim 44, the claim has similar limitations as claim 2. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 2.

Regarding claim 45, the claim has similar limitations as claim 4. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 4.

Regarding claim 46, the claim has similar limitations as claim 5. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 5.

Regarding claim 47, the claim has similar limitations as claim 6. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 6.

Regarding claim 48, the claim has similar limitations as claim 21. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 21.

Regarding claim 49, the claim has similar limitations as claim 22. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 22.

Regarding claim 50, the claim has similar limitations as claim 23. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 23.

Regarding claim 54, the claim has similar limitations as claim 53. Therefore, it is rejected under Kobayashi for the same reasons set forth in the rejection of claim 53.

#### ***Allowable Subject Matter***

5. Claims 7-10, and 55-60 are objected to as being independent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Art Unit: 2665

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kung et al. (US 6,252,952); Croy et al. (US 6,476,825) are cited to show a dual interface wireless IP communication device, which is considered pertinent to the claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (703) 305-1332. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4750

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington. VA, Sixth Floor (Receptionist).

Patent Examiner



Duc Ho

07-30-04